

Message Text

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ACTION OES-02

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O R 272120Z APR 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC IMMEDIATE 5243

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

C O N F I D E N T I A L BRASILIA 3584

LIMDIS

DEPT PASS NASA ASSISTANT DIRECTOR FRUTKIN

E. O. 11652: GDS

TAGS: TSPA, BR

SUBJECT: REMOTE SENSING AGREEMENT

REFS: (A) BRASILIA 3503; (B) FRUTKIN-RUSER TELECON APRIL 26

1. SUMMARY. GOB REQUESTS TWO WEEK EXTENSION OF REMOTE SENSING AGREEMENT TO PERMIT HIGH-LEVEL REVIEW AND DECISION ON US TEXT. EMBASSY RECOMMENDS THAT OPERATION OF SATELLITE CONTINUE DURING THIS PERIOD, EITHER UNDER AN INFORMAL EXTENSION OR A FURTHER FORMAL EXCHANGE OF NOTES. END SUMMARY.

2. FONMIN REP BAENA SOARES REQUESTED MEETING WITH ECON/ COMMERICAL COUNSELOR AND SCICOUNS ON APRIL 26 TO DISCUSS STATUS OF REMOTE SENSING NEGOTIATIONS. BAENA SOARES SAID US CONCEPT OF REGIONAL FACILITY WAS A NEW IDEA TO MOST MEMBERS OF COBAE, THAT IT RAISED THE POSSIBILITY OF SUBSTANTIALLY GREATER DEMANDS ON INPE, AND THAT IT WOULD REQUIRE HIGH LEVEL REVIEW WITHIN GOB FOR ITS POLICY
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AND POSSIBLE BUDGETARY IMPLICATIONS. FOR EXAMPLE, GOB

WAS GENUINELY CONCERNED OVER A POSSIBLE SUBSTANTIAL INCREASE IN THE COST OF OPERATING THE INPE FACILITIES. GOB FACED UNCHARTERED TERRITORY HERE AND CNPQ WOULD HAVE TO MAKE A CAREFUL ASSESSMENT OF THE TECHNICAL AND FINANCIAL ASPECTS. GENERAL CORREIA, AS CHAIRMAN OF COBAE, COULD NOT TAKE A DECISION ON HIS OWN. SINCE PRESIDENT GEISEL AND FOREIGN MINISTER SILVEIRA WILL NOT RETURN FROM THE PRESIDENT'S STATE VISIT TO FRANCE UNTIL APRIL 29-30, IT WILL NOT BE POSSIBLE TO GIVE A DEFINITIVE REPLY TO US PROPOSAL BEFORE MAY 1. GOB WISHED TO PROPOSE TEMPORARY EXTENSION, SAY FOR TWO WEEKS, TO PERMIT A BRAZILIAN DECISION AND POSSIBLE NEW PROPOSAL ON LANGUAGE ON HOW TO PROTECT BRAZIL'S LEGAL POSITION, WITH THE UNDERSTANDING THAT ALL OF THIS TIME WOULD NOT BE UTILIZED. BAENA SOARES RECALLED THE LONG HISTORY OF US-BRAZILIAN COOPERATION BETWEEN NASA AND INPE AND SAID BRAZIL ASSUMED USG WOULD NOT INTERRUPT THIS COOPERATION LIGHTLY.

3. WE SAID THE LACK OF FULL ACCESS TO CUIABA DATA WAS A SERIOUS OPERATIONAL PROBLEM FOR USG. THE PREVAILING IMPRESSION WAS THAT BRAZIL HAD NOT BEEN WILLING TO FURNISH DATA, CONTRARY TO US UNDERSTANDING OF THE EXISTING AGREEMENT, AND NASA HAD RECEIVED COMPLAINTS ABOUT THIS. FROM DION'S DISCUSSIONS IN WASHINGTON, WE UNDERSTOOD THAT INPE'S EXISTING FACILITIES WERE NOT FULLY UTILIZED AND COULD READILY HANDLE ADDITIONAL DATA REQUESTS. THE US POSITION ENVISAGED THAT INPE WOULD IN THE FUTURE FURNISH SUCH DATA ON REASONABLE TERMS NOT FOR FREE. IF THE FORMULATION OFFERED BY ASSISTANT DIRECTOR FRUTKIN POSED DIFFICULTIES, NASA WOULD BE WILLING TO LOOK AT ALTERNATIVE LANGUAGE DESIGNED TO PROTECT BRAZIL'S LEGAL POSITION. BAENA SOARES LEFT THE IMPRESSION THAT SUCH NEW LANGUAGE MIGHT BE FORTHCOMING.

4. TOWARD THE END OF THE MEETING WE GAVE BAENA SOARES A TYPED VERSION OF THE THREE-POINT FORMULATION AGREED IN REFTELCON B. TO AVOID THE IMPRESSION THAT NASA WAS PREPARED TO ACCEPT THE BRAZILIAN PROPOSAL OF APRIL 23, WE PREFACED THIS MOVE BY SAYING THAT WE WISHED TO CLARIFY AND CONFIRM OUR UNDERSTANDING OF LAST FRIDAY'S

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DISCUSSION. THE FORMULATION WE GAVE BAENA SOARES WAS AS FOLLOWS:

QUOTE: A. IF BRAZIL RECEIVES A REQUEST FROM ANY SOURCE WHATSOEVER FOR BRAZILIAN DATA, BRAZIL WILL SUPPLY THEM.

B. IF BRAZIL RECEIVES A REQUEST FOR DATA ON ONE OF ITS NEIGHBORS, WITHIN RANGE OF THE BRAZILIAN STATION, FROM

A NATIONAL OR ENTITY OF THAT COUNTRY, BRAZIL WILL
SUPPLY SUCH DATA DIRECTLY.

C. IF BRAZIL RECEIVES A REQUEST FOR DATA ON ONE OF
ITS NEIGHBORS, WITHIN RANGE OF THE BRAZILIAN STATION,
FROM ANY SOURCE WHATSOEVER, OTHER THAN A NATIONAL OR
ENTITY OF THE COUNTRY FOR WHICH DATA ARE REQUESTED,
BRAZIL WOULD SUPPLY SUCH DATA TO THE REQUESTOR THROUGH
NASA. UNQUOTE.

5. BAENA SOARES SAW NO DIFFICULTY WITH A BUT NOTED
THAT B AS DRAFTED WENT BEYOND PRINCIPAL INVESTIGATORS.
HE DID NOT, HOWEVER, SAY THAT B WAS NOT ACCEPTABLE.
HE ACCEPTED POINT C AS A CORRECT RENDERING OF LAST WEEK'S
BRAZILIAN PROPOSAL. WE THOUGHT IT BEST NOT TO PRESS
BAENA SOARES AT THIS STAGE TO CONFIRM THE THREE POINTS
IN A MORE FORMAL FASHION, TO AVOID THE THE IMPRESSION
THAT NASA IS WILLING TO ACCEPT POINT C. WE WOULD
PROPOSE TO REVERT TO THE THREE POINTS AT ONE OF THE
NEXT TWO MEETINGS, PERHAPS AFTER, OR IN CONNECTION WITH,
THE BRAZILIAN COUNTERPROPOSALS.

6. ACTION REQUESTED: EMBASSY RECOMMENDS THAT USG
AGREE TO AN EXTENSION THROUGH MAY 15, EITHER INFORMALLY
OR THROUGH A FORMAL EXCHANGE OF NOTES. REQUEST
GUIDANCE AS SOON AS POSSIBLE. WE ALSO WOULD APPRECIATE
ANY SUGGESTIONS ON HOW TO COUNTER THE BRAZILIAN
ARGUMENT THAT THE OBLIGATION UNDER C MAY PROVE
FINANCIALLY AND TECHNICALLY BURDENSOME, BEYOND THE
POINTS MADE BY US IN YESTERDAY'S MEETING.
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